IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.1290 OF 2001

Vita Private Limited .. Petitioner

versus

Municipal Corporation of Gr.
Bombay & ors. .. Respondents

...

Mr.Dhanesh R. Shah for the applicant.

Mrs.Geeta Jogalekar for the respondents.

CORAM : D.G. KARNIK, J

DATED : 24th August 2006.

P.C.:

1. Heard learned counsel for the petitioner and respondent.

2. This Civil Revision Application is directed against the order dated 8th May 2001 passed by the City Civil Court rejecting the petitioner’s motion no.369 of 2001.

3. The petitioner had filed a suit bearing L.C. Suit no.6 of 2001 against the respondent and had prayed for some interim orders by taking out a motion no.6 of 2001. According to the petitioner, in breach of the order dated 1st January 2001 and 2nd January 2001 passed in Motion no.6 of 2001, the respondent took some action which amounts to breach of the orders and contempt. He therefore moved the Motion no.369/01 for taking action for contempt. That motion was dismissed by an order dated 8th May 2001. That order is impugned in this civil revision application.

4. By reason of the amendment to section 115 of the Code of Civil Procedure, in my view, civil revision application is not maintainable. In the case of Rajaram Rahate Vs. Dinkar Ingole reported in 2002(3) Mh.L.J. 921, this Court has taken a view that the amendment applies even in respect of the proceedings which have been instituted prior to the amendment. Under the amended provisio of section 115, no revision shall be entertained except where if the impugned order is varied, that would finally dispose of the suit or proceedings. Even if the order impugned in civil revision application is varied, it would not finally dispose of the suit or the proceedings and therefore,

revision application is not maintainable.

5. For these reasons, civil revision application is dismissed as not maintainable.

(D.G. KARNIK, J)